

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2010-093879

12/01/2014

HONORABLE BOYD W. DUNN

CLERK OF THE COURT

L. Castleberry

Deputy

IN RE THE MATTER OF  
CHAD PAYNE

BRUCE D BROWN

AND

TABITHA LA FOUNTAINE

TABITHA LA FOUNTAINE  
9203 N 16TH PL  
PHOENIX AZ 85020

AZ DEPARTMENT OF VITAL  
RECORDS

**EVIDENTIARY HEARING SET**

Courtroom 206- SEF

1:45 p.m. This is the time set for Telephonic Status Conference regarding the *Motion to Reset Default Hearing* filed counsel for Father on August 29, 2014. Petitioner/Father, Chad Payne, is present telephonically and is represented telephonically by counsel, Bruce D. Brown. Respondent/Mother, Tabitha La Fountaine, is neither present nor represented by counsel.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held.

Paternity having previously been established in the Maricopa County Juvenile Court,

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2010-093879

12/01/2014

**IT IS ORDERED** affirming that Chad Payne is the natural father of the minor child, Kaiden Michael Payne, born on February 6, 2011, to Tabitha La Fountaine, with all rights and responsibilities for said child as ordered by the Court.

At the request of counsel for Father and good cause appearing,

**IT IS ORDERED** that if the name of the natural father does not now appear on the original certificate, a new birth certificate for the minor child shall be issued and/or amended or supplemented to reflect the true paternity of the child. The parties shall obtain an application to amend the birth certificate from the Office of Vital Records, Department of Health Services, 1818 W. Adams Street, Phoenix, AZ 85007, (602) 364-1300, and shall submit the application, along with a certified copy of this minute entry order, to the Office of Vital Records so that the birth certificate may be amended or supplemented, as ordered herein.

**IT IS FURTHER ORDERED** that Father shall be responsible for 100% of the cost to amend the minor child's birth certificate, subject to reallocation.

On a temporary basis,

**IT IS ORDERED** that Kaiden Michael Payne shall remain in his current preschool.

**IT IS FURTHER ORDERED** that Father shall have sole legal decision-making authority with regard to any issues regarding the minor child's education.

**IT IS FURTHER ORDERED** that, in the future, Father may unenroll the minor child from his current preschool and enroll the minor child in a different school.

**IT IS FURTHER ORDERED** that the minor child's school shall cooperate with this order to ensure the minor child remains in school.

**IT IS FURTHER ORDERED** setting this cause for **Evidentiary Hearing** on **March 5, 2015 at 11:00 a.m.** before:

The Honorable Boyd W. Dunn  
Southeast Judicial District  
Courtroom 206

Mesa, Arizona 85210

**Time Allotted: 1 hours**

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2010-093879

12/01/2014

**IT IS FURTHER ORDERED** all discovery and disclosure shall be completed by **February 13, 2015**.

A **Joint Pre-Hearing Statement** shall be filed pursuant to Rule 6.8(b), Local Rules of Maricopa County (Domestic Relations Proceedings) no later than **February 27, 2015**. If the parties want to make an opening statement, it may be included in the Pretrial Statement. In addition, each party shall attach to the Pre-Hearing Statement:

1. An updated affidavit of the current financial circumstances pursuant to Rule 6.7, Local Rules of Maricopa County.
2. A current and detailed inventory and appraisal of the property and assets of the parties.
3. A proposal of how the property and assets should be divided and the proposed disposition of each issue before the Court.
4. A Child Support Worksheet completed pursuant to the Statewide Child Support Guidelines. If a jointly prepared Worksheet is not filed, each party shall file a completed Child Support Worksheet.

**Note:** If counsel for Father is unable to locate Mother, then counsel shall proceed with filing a **Separate Pre-Hearing Statement** pursuant to Rule 6.8(b), prior to the Evidentiary Hearing.

Objections and pretrial motions not filed by **February 23, 2015** will be deemed waived. Postponements will be granted only in accordance with appropriate rules.

Failure of counsel or of any party to present a Pre-Hearing Statement in proper form including each and every attachment required shall, in the absence of good cause shown, result in the imposition of any or all available sanctions pursuant to Local Rule 6.2(e).

If this matter is settled and will proceed in the manner of a default, you may contact this division for an expedited hearing date.

Counsel are advised that if the presentation of evidence does not allow for closing arguments, the Court will direct the parties to submit written closing arguments. If time allows for closing arguments, the Court may hear closing arguments at that time.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2010-093879

12/01/2014

**IT IS ORDERED** that no less than five (5) business days prior to the Hearing, the parties and, if represented, counsel shall provide to the clerk of this division any exhibits they shall seek to admit into evidence. **All exhibits must be clearly identified, separated by a COLORED sheet and hand delivered to the Clerk of this Division no later than 12:00 p.m. on February 27, 2015. All exhibits shall be hand-delivered directly to court staff at this Division's suite.** Exhibits shall not be presented for marking that have not been previously exchanged. No duplicate exhibits shall be presented for marking. **Failure to obey these orders may result in exclusion of the exhibit and/or waiver of objections.**

IF EITHER PARTY FAILS TO APPEAR FOR THE HEARING, THE HEARING MAY NEVERTHELESS PROCEED, AND RELIEF MAY BE ENTERED IN FAVOR OF THE PARTY WHO HAS APPEARED.

IF BOTH PARTIES FAIL TO APPEAR, THE HEARING MAY BE VACATED AND/OR THE ACTION MAY BE DISMISSED.

**NOTE:** All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this Division **five (5) court business days** before the scheduled hearing.

**NOTICE:** A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.

**NOTICE**

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2010-093879

12/01/2014

be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

**IT IS FURTHER ORDERED** signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

December 1, 2014

/S/ HON. BOYD W. DUNN

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Date

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The Honorable Boyd W. Dunn  
Judge of the Superior Court

1:59 p.m. Matter concludes.

**PLEASE NOTE: IMPORTANT INFORMATION RE: CD/VIDEOTAPE  
FEE CURRENTLY IN EFFECT**

This Courtroom uses an electronic recording system for the record. All CDs and videotapes will be provided by the Court, regardless of when the copies are made. A fee of \$20.00 will apply to all copies requested, either on the day of the hearing or for hearings recorded on an earlier date. Forms to request a recording of a proceeding are available in the Self-Service Centers and in the FTR courtrooms.

If a party wants a court reporter to record a proceeding in this Court, a written request must be filed at least 48 hours before the commencement of the proceedings.

A person requesting a daily copy CD or videotape must complete the appropriate request form and pay the applicable fee at the Self-Service Center. Upon payment of the appropriate fees through the Self-Service Center, a receipt will be issued which shall then be presented to Court staff for preparation of the CD or videotape in the customary manner.

A person wanting a copy of a hearing from a previous occasion must contact Electronic Records Services at 602-506-7100 or Ken Crenshaw at 602-506-7100.

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SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2010-093879

12/01/2014

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All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.